

**BANKSTON GRONNING O'HARA, P.C.**  
 Attorneys at Law  
 601 W. 5<sup>th</sup> Avenue, Suite 900  
 Anchorage, Alaska 99501  
 Tel. (907) 276-1711 - Fax (907) 279-5358  
 www.bankston.to

Jon T. Givens, Esq.  
 Bankston Gronning O'Hara, P.C.  
 601 West 5th Avenue, Suite 900  
 Anchorage, Alaska 99501  
 (907) 276-1711 (telephone)  
 (907) 279-5358 (fax)  
 wbankston@bankston.to

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,	)	
an Alaska Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CENDANT CORPORATION, et al.,	)	
	)	
Defendants.	)	Case No. 3:03-cv-29 [TMB]

**NOTICE OF APPEAL**

Pursuant to Docket 119, Judge Singleton's April 16, 2005 order, appeals from any decision of the Special Master are made to this Court. Alaska Rent-A-Car, Inc. appeals Docket 253 (Ordered at Docket 254) paragraph (7). The standard of review per the April 16, 2005, order is "[t]he court shall review the Special Master's rulings based on a standard of *de novo* review."

The following rulings of the Special Master are appealed:

- (1) The Special Discovery Master denies plaintiff's request for depositions of corporate customers, which depositions were sought to respond to arguments raised in defendants' opposition to plaintiff's motion for summary judgment on antitrust claims.
- (2) The Special Discovery Master also denies plaintiff's request for depositions of defendants' executives, which depositions were sought to respond to

Notice of Appeal

*Alaska Rent-A-Car, Inc. v. Cendant Corp., et al.*, Case No. 3:03-cv-29 [TMB]  
 A3388\05\RUSKIN\DM51\APPEAL\NTCAppeal

Page 1 of 2

arguments raised in defendants' motion for summary judgment on piercing the corporate veil.

- (3) The Special Discovery Master also denies plaintiff's request for discovery or deposition of an executive of Cendant Finance Holding Company, which discovery or deposition was sought to respond to an argument in the defendants' motion for summary judgment on piercing.<sup>1</sup>

DATED this 28th day of September, 2006.

BANKSTON GRONNING O'HARA, PC  
Attorneys for Plaintiff Alaska Rent-A-Car, Inc.

By: s/Jon T. Givens  
601 W. 5th Avenue, Suite 900  
Anchorage, Alaska 99501  
Phone: (907) 276-1711  
Fax: (907) 279-5358  
E-mail: jgivens@bankston.to  
AK Bar #9011072

**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2006, a copy of foregoing Notice of Appeal was served electronically on Diane F. Vallentine and John F. Dienelt and on

Barry M. Heller  
DLA Piper Rudnick Gary Cary US LLP  
1200 Nineteen Street NW  
Washington, DC 20036-2430

by regular U.S. Mail

s/Jon T. Givens

<sup>1</sup> The three rulings are located at Docket 253 paragraph (7) at page. 3.

Notice of Appeal

*Alaska Rent-A-Car, Inc. v. Cendant Corp., et al.*, Case No. 3:03-cv-29 [TMB]  
A3388\05\RUSKIN\DM51\APPEAL\NTCapeal